



9200/2613

D-7081 #9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Wayne E. Bretl, et al.)
Serial No.: 09/330,769) Confirmation No. 9810
Filed: 6/11/99) Examiner: Rao, Anand
Title: MPEG ON SCREEN DISPLAY) Shashikant
CODOER FOR DTV INTERFACES) Art Unit: 2613

January 6, 2003

RECEIVED

Assistant Commissioner for Patents and Trademarks
Washington, D.C. 20231

MAY 15 2003

Sir:

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant hereby petitions the Commissioner to withdraw the holding of abandonment in the above-identified U.S. patent application and re-mail the Office letter of May 15, 2002.

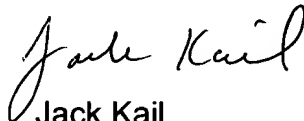
The Patent and Trademark Office (PTO) in a communication mailed 12/30/2002 (copy attached) issued a Notice of Abandonment in the above-identified application. The reason indicated for issuing the Notice of Abandonment was Applicant's failure to timely file a proper reply to the Office letter mailed on May 15, 2002. The undersigned practitioner hereby states that he did not receive the Office letter mailed May 15, 2002 and further attests that a search of the docket records and file jacket indicates that the Office letter of May 15, 2002 was not received.

More particularly, referring to the attached copy of the docket card of the application, it will be observed that under the "Outgoing" column there are entries for filing the application on 6/10/99, filing the assignment on 7/21/99, filing formal drawings on 7/21/99, filing a status inquiry and address correction on 8/1/01, refiling formal drawings and address change on 2/8/02 and filing an election of species on 2/8/02. Under the "Incoming" column there are entries for receiving the filing receipt on 7/21/99, receiving the recorded assignment on 10/7/99 and receiving an Office Action (O.A.) on 1/30/02.

The election of species was filed in response to the foregoing Office Action. The final entry under the "Incoming" column is receipt of the Notice of Abandonment mailed on 12/30/02. There is no entry on the docket card reflecting receipt of the Office Letter mailed May 15, 2002 indicating it was never received. The attached copy of the file jacket cover has the same entries and confirms that the Office Letter mailed May 15, 2002 was not received.

In view of the foregoing, the undersigned practitioner respectfully requests that the Commissioner withdraw the holding of abandonment and re-mail the Office letter of May 15, 2002.

Respectfully submitted,



Jack Kail

Registration No. 27,566

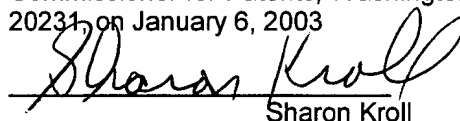
sk

Encl. - Copy of docket card and file cover
- August 12, 2002 Petition and Declaration

ZENITH ELECTRONICS
CORPORATION
2000 Millbrook Drive
Lincolnshire, Illinois 60069

phone 847/ 941-8011
fax 847/ 941-8003

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington D.C. 20231, on January 6, 2003


Sharon Kroll

Encl. - Notice of Abandonment
- Copy of docket card & front of file jacket



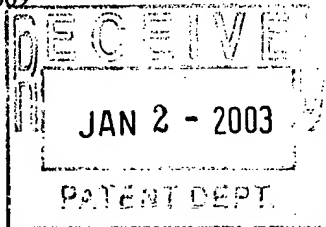
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,769	06/11/1999	WAYNE E. BRETL	7081	9810

28574 7590 12/30/2002

ZENITH ELECTRONICS CORPORATION
2000 MILLBROOK DRIVE
LINCOLNSHIRE, IL 60069



EXAMINER

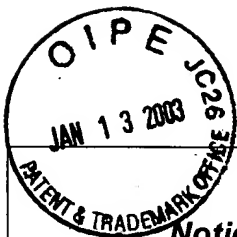
RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/330,769

Examiner

Andy S. Rao

Applicant(s)

BRETL ET AL.

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 May 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

ANDY RAO
PRIMARY EXAMINER

Andy S. Rao
Primary Examiner
Art Unit: 2613

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



(PATENT DOCKET CARD)

PATENT NO.

SERIAL NO. 09/330,769

DOCKET NO. 7081

INCOMING

OUTGOING

DATE MAILED	DATE DUE	DESCRIPTION OF CORRESPONDENCE	INITIALS		DATE OUT	ACTION TAKEN	INITIALS	
			SEC.	ATTY.			SEC.	ATTY.
6-11-99		Filing Receipt	7-21-99	PW	6/10/99	Application	6-10-99	W
7-23-99		Recordation Assign	10-7-99	PW	7-21-99	Assignment	7-20-99	W
1/24/02	2/24/02	O.A. corr drwg	8K1-02	W	7-21-99	Formal Drawings	7-20-99	W
12/30/02		Notice of Abandon	8K1-03	W	8/1/01	Status Inq/AddCorr	8/18-01	W
					2/8/02	FormalDrwg/AddChg	8K2-02	W
					2/8/02	Election of species	8K2-02	W

Assign. Recorded: 7/23/99 Reel 010116 Frame 0161
Title: MPEG On Screen Display Coder For DTV Interfaces

Issue Date:

Group Art Unit: 2613

Filing Date: 6/11/99

Docket No.

7081

Inventor(s)

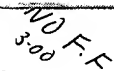
Wayne E. Breijl, Mark Fimoff, Paul A. Snopko

Atty.

MOT Ref 28869/

JK/TJ

35686



DF-1081

INVENTOR OLYMPIE BRETZ, MARK EINHOF, PAUL SLODKO

SERIAL NO. 09/330, 769

ASSIGNMENT RECORDED 7.23.99 REEL 010116 FRAME 0161

ALLOWED _____ FINAL FEE PAID _____
PATENT NO. _____ DATE _____